

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, DECEMBER 17, 2014
9:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LĪHUʻE, KAUAʻI, HAWAII 96766

RECEIVED

A. MEETING CALLED TO ORDER.

'14 DEC 11 PM 2:32

B. ROLL CALL.

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

C. APPROVAL OF AGENDA.

D. MAYORAL VETO:

1. Bill No. 2546, Draft 3 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAʻI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Agronomics / Agricultural Use Definition / Reporting*) (*Laid on Table December 10, 2014*)

E. MINUTES of the following meetings of the Council:

1. October 22, 2014 Council Meeting
2. November 12, 2014 Special Council Meeting
3. December 1, 2014 Inaugural Meeting

F. CONSENT CALENDAR:

1. C 2015-06 Communication (10/21/2014) from the County Engineer and the Environmental Services Management Engineer, transmitting for Council consideration, proposed amendments to Ordinance No. B-2014-781, as amended, relating to the Operating Budget of the County of Kauaʻi, for the Fiscal Year 2014-2015, by establishing a budget line item for “Consultant Services,” that includes the following:

1. Consultant Services for Landfill Wildlife Hazard Assessment – \$25,000;
2. Consultant Services for Landfill Wildlife Hazard Mitigation Plan – \$50,000; and
3. Design Electrical Upgrades to Hanalei and Kapaʻa Refuse Transfer Station – \$20,000.

(Department of Public Works – Solid Waste Disposal, Consultant Services – \$95,000) (See Proposed Draft Bill No. 2566)

2. C 2015-07 Communication (11/12/2014) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2014-782, as amended, relating to the Capital Budget of the County of Kauaʻi, for the Fiscal Year 2014-2015, to create a mechanism to accept funds for the Kōloa/Poʻipū intersection improvements. (*Kōloa/Poʻipū Intersection Improvements – \$80,750*) (***See Proposed Draft Bill No. 2567***)
3. C 2015-08 Communication (11/13/2014) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointees to the various Boards and Commissions for the County of Kauaʻi:
 1. Board of Review
 - Donald G. Kolenda – Term ending 12/31/2017
 - Julie A. Caspillo – Term ending 12/31/2017
 2. Charter Review Commission
 - Allan H. Parachini – Term ending 12/31/2017
 3. Liquor Control Commission
 - Gerald S. Matsunaga – Term ending 12/31/2017(***See Resolution No. 2015-04, Resolution No. 2015-05, Resolution No. 2015-06, and Resolution No. 2015-07***)
4. C 2015-09 Communication (11/21/2014) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Louis E. Abrams to the Planning Commission for the County of Kauaʻi (*Business*) – Term ending 12/31/2015.
(***See Resolution No. 2015-08***)
5. C 2015-10 Communication (12/02/2014) from the Director of Economic Development, transmitting for Council consideration, a proposed draft Bill to amend Chapter 17, Kauaʻi County Code 1987, as amended, relating to public charging of electric vehicles at County owned charging stations. (***See Proposed Draft Bill No. 2568***)
6. C 2015-11 Communication (12/04/2014) from Council Vice Chair Kagawa, transmitting for Council consideration, a proposed draft Bill to amend Section 21-9.1 of the Kauaʻi County Code 1987, as amended, relating to Integrated Solid Waste Management, to amend the variable rates for the collection of residential refuse. (***See Proposed Draft Bill No. 2569***)
7. C 2015-12 Communication (12/08/2014) from Council Chair Rapozo, transmitting for Council consideration, a Resolution requesting the Legislature of the State of Hawaiʻi to amend Chapter 92 of the Hawaiʻi Revised Statutes, to allow members of a County Council to jointly attend community meetings.
(***See Resolution No. 2015-09***)

8. C 2015-13 Communication (12/08/2014) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, relating to Bill No. 2546, Draft 3, Relating To Real Property Taxes (*Agronomics / Agricultural Use Definition / Reporting*).
9. C 2015-14 Communication (12/09/2014) from Council Chair Rapozo, transmitting for Council consideration and confirmation, the reappointment of Stephen W. Long to the Kaua'i Historic Preservation Review Commission (Architecture) for the County of Kaua'i – Term ending 12/31/2017.
(*See Resolution No. 2015-10*)
10. C 2015-15 Communication (12/10/2014) from Council Chair Rapozo, transmitting for Council consideration and confirmation, the reappointment of Ivory K. McClintock to the Public Access, Open Space, and Natural Resources Preservation Fund Commission (At-Large) for the County of Kaua'i – Term ending 12/31/2017. (*See Resolution No. 2015-11*)

G. COMMUNICATIONS:

1. C 2015-16 Communication (09/29/2014) from then Council Chair Furfaro, requesting the presence of the Kaua'i District Branch Manager and the Kaua'i District Forestry Manager of the State of Hawai'i Department of Land and Natural Resources, to provide the Council with a briefing on the Koke'e Restoration and Reforestation Project, scheduled to begin in February 2015.
2. C 2015-17 Communication (11/06/2014) from the Civil Defense Manager, requesting Council approval, to accept the donation of eight (8) Federal Emergency Management Agency (FEMA) trailers: three (3) Home Recovery Kits (HRK) and five (5) Pre-Positioned Disaster Supplies (PPDS), from the State Civil Defense/Hawai'i Emergency Management Agency, valued at approximately \$215,430, to be used by the Kaua'i Civil Defense Agency for disaster response at the following locations:
- Barking Sands: one (1) HRK and two (2) PPDS;
 - Lihu'e: one (1) HRK, and two (2) PPDS; and
 - Kapa'a: one (1) HRK and one (1) PPDS.
4. C 2015-18 Communication (11/06/2014) from the Civil Defense Manager, requesting Council approval, to accept the donation of two (2) six (6) feet by ten (10) feet enclosed cargo trailers from the State of Hawai'i, Department of Defense, valued at \$14,412.14 each for a total of \$28,824.28, for use by the Community Emergency Response Team (CERT) program and coordinators.

5. C 2015-19 Communication (11/07/2014) from the Assistant Chief Procurement Officer/Budget Chief, requesting Council approval to dispose of Work Folders; Closed Contracts; Professional Services; Emergency, Sole Source, & Exempt Files; Various Logs (Contract Assignment Record, Telephone Bids, & Mail); Equipment Reports; Trust Accounts; Protest Logs & Files; Office Account Files; and Copy Machine Files; pursuant to Section 46-43, Hawai'i Revised Statutes and Resolution No. 49-86 (1986) as amended, for the following reasons:
1. Kept for over seven (7) years and are no longer of use or value.
 2. Kept for over two (2) years and original verified to be on file with electronic/duplicate records.
6. C 2015-20 Communication (11/18/2014) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds for the Domestic Violence Prosecution Unit in the amount of \$47,695, and approval to indemnify the State of Hawai'i, Department of the Attorney General, to be utilized to continue the program for the term commencing March 1, 2015 to January 15, 2016 for salaries/wages and supplies for the Domestic Violence Prosecution Unit.
7. C 2015-21 Communication (11/21/2014) from the Director of the Office of Economic Development, requesting Council approval to accept a donation from the Hawai'i Natural Energy Institute (HNEI) for building energy monitoring at 3990 Ka'ana Street, valued at \$150,000, to include identification and analysis of energy conservation measures, building energy modeling, and schematic bid packages for lighting and mechanical improvements for the facility.
8. C 2015-22 Communication (11/21/2014) from the Vice Chair of the Salary Commission, transmitting for Council consideration, Salary Commission's Resolution No. 2014-1, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i for the Fiscal Year 2014-2016, which was adopted by the Salary Commission at its November 10, 2014 meeting.
- Salary Commission Resolution No. 2014-1

9. C 2015-23 Communication (12/02/2014) from the Housing Director, requesting Council approval for the following:

1. Acquisition of a residential unit at 165 Ulaula Road, 'Ele'ele, Kaua'i, Hawai'i, TMK: (4) 2-1-006-005, for a purchase price of not more than \$341,000 under the County's Community Development Block Grant (CDBG) Program based on the fee simple market appraisal;
2. Resale of 165 Ulaula Road, 'Ele'ele, Kaua'i, Hawai'i, by leasehold for not more than the leasehold market appraisal, which will be obtained through this transaction; and
3. Authorize the County Clerk to sign legal documents related to these transactions.

10. C 2015-24 Communication (12/10/2014) from Councilmember Yukimura, requesting Council consideration, for the public release of the following County Attorney opinions relating to Bill No. 2546, Draft 3:

1. County Attorney Opinion dated August 1, 2014 (Tracking No. 14-1504)
2. County Attorney Opinion dated September 4, 2014 (Tracking No. 14-1883)
3. County Attorney Opinion dated October 10, 2014 (Tracking No. 14-2012)

H. LEGAL DOCUMENT:

1. C 2015-25 Communication (12/02/2014) from the Housing Director, recommending for Council approval, the conveyance by Alexander & Baldwin, LLC., of the 11.204 acre parcel situated alongside Po'ipū Road to the County of Kaua'i for the development of workforce housing which fulfills the final housing condition for Kukui'ula Development Company (Hawai'i), LLC as required by Ordinance No. PM-2004-370, as amended.

- Dedication Deed concerning Tax Map Key (TMK) No. (4) 2-6-004:019

I. CLAIM:

1. C 2015-26 Communication (12/03/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Jeffrey S. Kay, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. COMMITTEE REPORTS:1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2015-01:** on PWPR 2015-01 Communication (10/28/2014) from Committee Chair Kagawa, requesting the presence of the Director of Parks & Recreation, to provide a briefing on repaving roads and parking lots located within County parks, including, but not limited to discussion of the following:
- Methodology used by the Department to track the need for repaving; and
 - Any preventive maintenance plan for repaving (and if no plan exists, discussion of the time projection and cost for establishing a preventive maintenance plan).
- [Received for the Record.]**

2. PLANNING COMMITTEE:

- a. **CR-PL 2015-01:** on Bill No. 2545 A BILL FOR AN ORDINANCE AMENDING SUBSECTIONS 8-15.1(B) AND 8-15.1(D), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT ON OTHER THAN RESIDENTIALLY ZONED LOTS
[Approved as Amended.]

3. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2015-01:** on Bill No. 2565 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Real Property Assessment Software – \$100,000*) **[Approved.]**

K. RESOLUTIONS:

1. Resolution No. 2014-46 – RESOLUTION REQUESTING THE LEGISLATURE OF THE STATE OF HAWAII TO AMEND HAWAII REVISED STATUTES CHAPTER 46 TO GIVE THE COUNTIES THE AUTHORITY TO ENACT A GENERAL EXCISE TAX SURCHARGE TO FUND PUBLIC TRANSPORTATION (*Deferred November 5, 2014*)

2. Resolution No. 2015-04 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW (*Donald G. Kolenda*)

3. Resolution No. 2015-05 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW (*Julie A. Caspillo*)

4. Resolution No. 2015-06 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Allan H. Parachini*)

5. Resolution No. 2015-07 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Gerald S. Matsunaga*)

6. Resolution No. 2015-08 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Louis E. Abrams – Business*)

7. Resolution No. 2015-09 – RESOLUTION REQUESTING THE LEGISLATURE OF THE STATE OF HAWAII TO AMEND CHAPTER 92, HAWAII REVISED STATUTES, TO ALLOW MEMBERS OF A COUNTY COUNCIL TO JOINTLY ATTEND COMMUNITY MEETINGS

8. Resolution No. 2015-10 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Stephen W. Long – Architecture*)

9. Resolution No. 2015-11 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Ivory K. McClintock – At-Large*)

L. BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2566) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE SOLID WASTE FUND (*Department of Public Works – Solid Waste Disposal, Consultant Services – \$95,000*)

2. Proposed Draft Bill (No. 2567) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-782, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Po'ipū Intersection Improvements – \$80,750*)

3. Proposed Draft Bill (No. 2568) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-9.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT

4. Proposed Draft Bill (No. 2569) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING STATIONS

M. BILLS FOR SECOND READING:

1. Bill No. 2545, Draft 1 – A BILL FOR AN ORDINANCE AMENDING SUBSECTIONS 8-15.1(B) AND 8-15.1(D), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT ON OTHER THAN RESIDENTIALLY ZONED LOTS (*See also CR-PL 2015-01; the Planning Committee recommended approval as amended to Bill No. 2545, Draft 1 on December 10, 2014.*)

2. Bill No. 2565 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Real Property Assessment Software – \$100,000*) (*See also CR-BF 2015-01; the Budget & Finance Committee recommended approval on second and final reading.*)

N. EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

1. ES-775 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide a briefing and request for authority to settle the case of Ernesto G. Pasion vs. County of Kaua'i, et al., Civil No. 13-1-0340 (Fifth Circuit Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

O. ADJOURNMENT.

- P. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for public hearings on the following. After the public hearings, the Council will reconvene to complete any unfinished business.

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to:

<http://www.kauai.gov/Government/CountyCouncil/PublicHearingNoticesandMinutes/tabid/599/Default.aspx>

1. Bill No. 2563 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-782, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Moana Kai and Pono Kai Seawall – \$1,600,000*)
2. Bill No. 2564 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE HOUSING AND COMMUNITY DEVELOPMENT REVOLVING FUND (*Housing Agency, Special Projects – \$35,877*)

- Q. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.